

Notice of Allowability	Application No.	Applicant(s)	
	10/029,253	HONG, SUNG KWON	
	Examiner	Art Unit	
	John P. Trimmings	2133	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--
 All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment dated 5/24/05 and supplemental response dated 6/27/2005.
2. ☒ The allowed claim(s) is/are 1-16.
3. ☒ The drawings filed on 04 October 2004 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
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| <ol style="list-style-type: none"> 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ 7. <input type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____ |
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DETAILED ACTION

This office action is in response to the applicant's amendment dated 5/24/2005, and supplemental response dated 6/27/2005, to the examiner's Advisory Action.

Claims 1-16 are pending.

Response to Amendment

1. In the supplemental response, the applicant provided the requested English translation of the applicant's foreign priority reference. Applicant's argument, see supplemental response filed 6/27/2005 and remarks dated 5/24/2005, with respect to the rejections of Claims 1, 5 and 11 have been fully considered and are persuasive. The rejections under 35 USC 103 of independent Claims 1, 5 and 11 have been withdrawn. Consequently, the rejections of dependent Claims 2-4, 6-10 and 12-16 have also been withdrawn.

Allowable Subject Matter

2. Claims 1-16 are allowed.

The following is an examiner's statement of reasons for allowance: As per independent Claims 1, 5 and 11, the reference art Kim and Kelkar teach a method for setting an initial value for a rate matching algorithm in an HARQ system by using a given initial value, generating a pattern, and adding an incremental error value to the initial value, wherein the initial value is used for puncturing or repeating bit positions of a data frame. However, the prior arts of record taken alone, or in combination failed to

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teach, anticipate, suggest, or render obvious the claimed invention or the method steps of the application. Specifically, the prior arts failed to teach, anticipate, suggest, or render obvious the limitation introduced into these claims, namely: calculating the incremental error value dependent on the number of retransmissions. Consequently, Claims 1, 5 and 11 are allowed over the prior arts of record. Claims 2-4, 6-10 and 12-16 are directly or indirectly dependent upon Claims 1, 5 and 11, and therefore are also allowable over the prior arts of record. Therefore claims 1-16 are allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Sebire, U.S. Application Publication 2004/0081103.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to John P. Trimmings whose telephone number is (571) 272-3830. The examiner can normally be reached on Monday through Thursday, 7:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert DeCady can be reached on (571) 272-3819. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


John P Trimmings
Examiner
Art Unit 2133

jpt


ALBERT DECADY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100